UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,209	09/09/2003	Toshiyuki Noguchi	00862.023227.	9145

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EXAMINER
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ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
06/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 March 2007</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16 and 18-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16 & 18-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This **FINAL** action is responsive to response filed March 21, 2007.

2.   Claims 1-15 and 17 are canceled. Claims 16 and 18-21 are pending. Claims 16, 20 and 21 are independent

claims.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth

in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to
> a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

4.   Claims 16, 18-21 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta (U.S. 6, 980,

319, filed on Mar 2, 2001) in view of Lin (U.S. 6,757,070 filed on Aug 21, 2001).

Regarding Independent claims 16, 20 and 21, Ohta discloses a communication apparatus, that

communicates with an information providing apparatus via a network and connects to printers, comprising: a

storage unit constructed to store printer driver programs, each which is assigned to at least one of the

printers; A reception unit constructed to receive a recommended printing condition list from said information

providing apparatus;

An acquisition unit constructed to acquire printable condition information from the printer driver programs

stored in said storage unit; A list extraction unit constructed to extract a printing condition selection list from

the recommended printing condition list received by said reception unit, on the basis of the printable

condition information acquired by said acquisition unit; A condition selection unit constructed to select a

printing condition from the printing condition selection list extracted by said list extraction unit; A generation

unit constructed to generate print data on the basis of the printing condition selected by said condition

selection unit by using the printer driver program (column 7, lines 25-40, wherein the keyboard and mouse

are used to select data for printing); Although Ohta describes a portable digital device connecting to a

network that includes accessing various print stations by letting the user select one of the stations, which is

part of the condition list he fails to explicitly teach all the features of a condition list associated with a printer

type (column 2, lines 17-67). Lin teaches a reception means for receiving a printing condition list from another apparatus connected through a network (fig 7 & column 2, lines 30-61). Lin teaches a universal print driver that includes receiving a condition list which includes the features of the printer. Instead of installing multiple drivers the universal driver allows a user to access all the properties of multiple printers located on a network, those properties are the condition list as shown in figure 7. Further fig 7 & column 2, lines 30-61 teaches wherein the browser allows the user to select a specific printer, therefore it includes a printer list and its printing properties such as paper size, paper source etc.. Furthermore each printer in the network would include a universal driver to be able to access printer properties. Ohta teaches a device connecting to a network to access a group of printers. Lin also teaches a device accessing a group of printers further allowing the device to have all the features of a particular printer by having a universal driver; these features make up the printing condition list. Both Lin and Ohta are analogous art because they are from the same field of endeavor of network printing. At the time of the invention it would have been obvious to one of ordinary skill in the art to include a printing condition list prior to printing. The motivation for doing so would have been to allow the user to have access to all the features of a particular printer thereby improving the print quality of the information. Therefore it would have been obvious to combine the teachings of Lin and Ohta for improving the quality of printed documents by allowing the user to have full access to the printer features by implementing a universal driver.

Regarding Dependent claim 18, with dependency of claim 16, Although Ohta describes accessing multiple printers which inherently includes the name of the printer before the user selects the printer he fails to explicitly teach other print list conditions such as paper size...etc. (note: only one of the conditions below has to be met, although Ohta does teach one Lin better discloses many of the printer conditions). Lin discloses wherein the printing condition selection list includes at least one of information about a printer model, information about a paper size for printing, information about a paper type for printing, and information about a layout for printing (fig 7 & column 2, lines 30-61, wherein the condition selection list includes printer model, paper size, paper type etc..). Ohta teaches a device connecting to a network to access a group of printers. Lin also teaches a device accessing a group of printers further allowing the device to have all the features of a particular printer by having a universal driver; these features make up the printing condition list. Both Lin and Ohta are analogous art because they are from the same field of endeavor of network printing. At the time of the invention it would have been obvious to one of ordinary skill

in the art to include a printing condition list prior to printing. The motivation for doing so would have been to allow the user to have access to all the features of a particular printer thereby improving the print quality of the information. Therefore it would have been obvious to combine the teachings of Lin and Ohta for improving the quality of printed documents by allowing the user to have full access to the printer features by implementing a universal driver.

Regarding Dependent claim 19, Ohta discloses a data selection unit <u>constructed</u> to select data to be printed, which is stored in said information providing apparatus; <u>and</u> (column 2, lines 30-35, wherein the information to be printed is stored); A download unit <u>constructed</u> to download the data selected by said data selection unit from said information providing apparatus, wherein said generation unit generates the print data from the data downloaded by said download unit (column 5, lines 10-15, wherein the print job includes downloading the information on the data to be printed).

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]

Response to Arguments

5.   Applicant's arguments filed March 21, 2007 have been fully considered but are not persuasive. Applicant argues: <u>The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of claims 16, 20 and 21, and in particular, is not see to disclose or suggest at least the features of receiving a recommended printing condition list from an information providing apparatus, acquiring printable condition information from a print driver program, extracting a printing condition selection list from the received recommended printing condition list, on the basis of the acquired printable condition information, selecting a printing condition from the extracted printing condition selection list, and generating print data on the basis of the selected printing condition, by using the printer driver program.</u> (see pg 7, paragraph 3)

However the examiner respectfully disagrees. The amended claims are not significant to overcome the art. The amended claims describe that each of the storage units or computers store driver programs and is assigned to at least one printer. The Lin reference discloses a universal printer driver shown in figure 1 where each client includes a universal print driver associated with at least one printer. Lin teaches a universal print driver that includes receiving a condition list that includes the features of the printer. Instead of installing multiple drivers the universal driver allows a user to access all the properties of multiple printers located on a network, those properties are the condition list as shown in figure 7. Further fig 7 & column 2, lines 30-61 teaches wherein the browser allows the user to select a specific printer, therefore it includes a printer list and its printing properties such as paper size, paper source etc. .Ohta teaches a device connecting to a network to access a group of printers. Lin also teaches a device accessing a group of printers further allowing the device to have all the features of a particular printer by having a universal driver; these features make up the printing condition list. Both Lin and Ohta are analogous art because they are from the same field of endeavor of network printing that teaches using a print driver. The following references provide a reasonable suggestion and teaching for the claims to the skilled artisan.

Applicant Argues: <u>At column 2, lines 52 to 54 of Ohta, it is stated that "the invention essentially uncouples job submission." The forgoing clearly means that "job submission parameter" provided to browser 18 is not related to a printer driver of a client computer and is therefore clearly different from a "print condition list" as claimed in the present invention.</u> (pg 7, paragraph 4 & pg 8, paragraph 1)

The Examiner would like to point out that no such line exists in the Ohta reference as stated by applicant. Furthermore the examiner reference applicant to column 7, lines 44-48 of Ohta which explicitly states "The disk unit 24 stores an operating system program, application programs such as e-mail processing software, <u>printer device drivers</u>...", Therefore it is improper to say "it is not related to a printer driver".

Conclusion

References Cited

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hanson (U.S. 6,148,346) discloses "Dynamic Device Driver"

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37
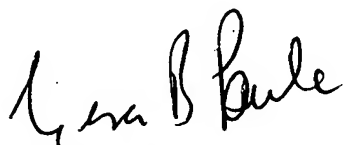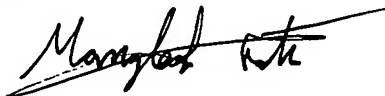
CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing

date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and

the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed

to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M,F

8:30-6:00 T,TH 8:30-3:00 Wed 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S.

Hong can be reached on (571)272-4124. The fax phone number for the organization where this application or

proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information

Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or

Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more

information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the

Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel
Patent Examiner
June 5, 2007

CESAR PAULA
PRIMARY EXAMINER